

Remarks

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Claims 1-33 are pending. Claims 34-35 were withdrawn and are now canceled.

Claims 1-11, 13-15, 17-25, 27 and 30-33 are rejected.

Claims 12, 16, 26, 28 and 29 are objected to. However, no explicit reasoning is given. Accordingly, Applicants believe the claims are allowable at this time because they depend from allowable claims.

Claims 1, 3, 11, 13, and 14 are independent. Claim 14 has been amended to be in independent form.

Disclosure

Applicants thank the Examiner for pointing out an objection to the disclosure due to references to FIG. 15. Applicants have amended the application by correcting the paragraph to refer to FIG. 14. No new matter is added thereby.

Telephonic Interview

Applicants thank the Examiner for his time during an interview on October 30. A declaration (submitted herewith) was discussed, and agreement was reached that the declaration was sufficient to overcome the present 102(a) rejection.

Constructive Election by Original Presentation.

Claims 34-35 were withdrawn from consideration and are canceled without prejudice to renewal or presentation in another application.

Claim Rejections – 35 USC § 102

Claims 1-11, 13-15, 17-25, 27 and 30-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Balagurunathan et al., Proceedings of SPIE 4266:163 (2001) (“Balagurunathan”).

The declaration submitted October 26, 2006, was deemed insufficient to overcome the rejection, and the rejection over Balagurunathan was repeated. Applicants submit herewith a declaration under 37 C.F.R. § 1.132 by named author Michael L. Bittner. The declaration indicates the roles of Michael L. Bittner and J. M. Trent, both of whom were named as authors on the Balagurunathan article in question, but are not named as inventors on the patent application. As demonstrated by the declaration, neither qualifies as an inventor.

Balagurunathan does not qualify as prior art under § 102(a) because it is derived from the inventors’ own work. As demonstrated by the declaration, the correct inventors have been named.

The claims are thus allowable at this time.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

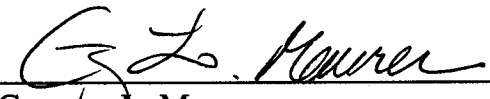
The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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